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September 27, 2001

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Ms. Magalie Roman Salas
Secretary
Office of the Secretary
Federal Communications Commission
445 -12th Street, S.W.,
Rm TW-204B
Washington, D.C. 20554

Re: **Waiver and Extension of Time Request** for FRN# 422674, FRN# 423038,
CC Docket No. 96-45, FCC Report and Order, Adopted June 27, 2001

Enclosed are the original and four copies of the Waiver and Extension of Time Request. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

Sincerely,

Nathaniel Hawthorne

District of Columbia Bar No. 237693
27600 Chagrin Blvd., Suite 260
Cleveland, OH 44122
Tel.: 216/514/3336
Fax.: 216/514/3337
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Before the
Federal Communications Commission **RECEIVED**
Washington, D.C. 20554

SEP 28 2001

FCC MAIL ROOM

In the matter of)
)
) CC Docket No. 96-45
Federal – State Joint Board on)
Universal Service)

Re: FRN# 423038, FRN# 422674

This is a Waiver and Extension of Time Request filed by the Cleveland Municipal School District (CMSD).

The Commission, in its Report and Order, CC Docket No. 96-45, Adopted June 27, 2001, adopted a rule that extended the deadline for the receipt of non-recurring services from June 30, to September 30, 2001. CMSD request a waiver of that rule; CMSD also request that the deadline for receipt of non-recurring services be extended until May 31, 2002.

The reasons supporting CMSD's request are set forth in Exhibit A (FRN# 422674), and Exhibit B (FRN# 423038).

The Commission's rule may be waived for good cause shown. The Commission may take into account considerations of hardship, equity, or more

effective implementation of overall policy on an individual basis. A waiver is appropriate if special circumstances warrant a deviation from the general rule. CMSD has shown special circumstances that warrant deviation from the Commission's Report and Order of June 27, 2001. CMSD is attempting to use universal service funding in a practical and reasonable manner. CMSD, regarding FRN 423038, has been unable to timely complete its wireless network connectivity. Regarding FRN# 422674, CMSD is still processing the infrastructure to appropriately use e-rate funding.

Therefore, enforcement of the Commission's deadline would be inconsistent with the public interest. Accordingly CMSD request a **Waiver and Extension of Time of the Commissions Rule.**

Sincerely,

Nathaniel Hawthorne

District of Columbia Bar No. 237693
27600 Chagrin Blvd., Suite 260
Cleveland, OH 44122
Tel.: 216/514/3336
Fax.: 216/514/3337
e-mail: nateh@oh.verio.com
Attorney for
Cleveland Municipal School District

Cc: Cleveland Municipal School District

Exhibit A

1380 East Sixth Street, Cleveland, OH 44114 • 216.858.1312 • Fax 216.574.6251 • www.cmsdnet.net

Barbara Byrd-Bennett
Chief Executive Officer

Myrna Elliott-Lewis, Ed.D.
Chief Academic Officer

Erbert Johnson
Chief Financial Officer

Lisa Marie Ruda
Chief of Staff

William W. Wendling
Chief Communications Officer

TO: Federal Communications Commission

RE: Modification of Implementation Schedule for Non-Recurring Services (FCC Report and Order CC Docket No. 96-45, Adopted June 27, 2001, Paragraphs 8,10, 12, 13.

In the matter of:

Extending deadline for: FRN# 422674
Category: Internal Connections
Vendor: ComWeb Technology Group

Requesting extension until: May 31, 2002

Description of service:

The ComWeb KnowledgeWEB System ("WEB"), a classroom network switch, distributes telecommunications signals to teacher and student desktop computers from any network point of access or from any external source of information transmission.

E-rate approval was received to install 137 WEB systems during the 2000-2001 eRate year. All of the requisite system components have been received at the Woodland Data Center of the Cleveland Municipal School District ("District") and the necessary invoice correspondence and documentation have been delivered to the Schools and Libraries administrative office during eRate Year 3.

Explanation for delay of service implementation:

The vendor, ComWeb Technologies Group, Inc., has been unable to complete the implementation of the system for reasons beyond the control of the service provider. The reasons that have precluded the completion of the installations are the following:

- (1) A pilot program to test the implementation process was run in November, 2000 and successfully installed six (6) systems. Following the pilot, the District followed accepted policy regarding schoolroom installations that impact the classroom environment.
- (2) The process is initiated in the regional superintendents office with a request for proposal announcement to all school principals. The District regional superintendents issued the request on May 21, 2001 for educational proposals pertinent to the WEB system installations.
- (3) After receipt of the superintendents' request for educational proposals, each school principal and/or teacher may prepare and submit an educational proposal per the request that shows an enhancement to the classroom learning environment.

- (4) The remaining weeks in the 2000-2001 academic, and eRate, year were inadequate for principals and/or teachers to prepare the educational proposals requesting the installation of the WEB system, thereby precluding a timely installation of all WEB systems in District schoolrooms by the end of the eRate fiscal year, June 30, 2001.
- (5) Six (6) additional WEB systems were installed prior to June 30, 2001 following receipt and approval of the teacher proposals. To date 12 of the 137 systems have been installed following receipt of the District-approved educational proposals from school principals and/or teachers.

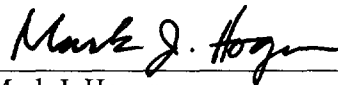
Plans to implement WEB system by requested extension date

To facilitate a timely installation of the system, the MIS department is working closely with the academic department of Instructional Technology, Science and Mathematics (ITSME). A plan has been developed that ensures timely receipt of the teacher educational proposals, designating the appropriate classroom and the subsequent completion of the WEB system installations by May 31, 2002.

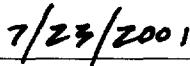
Request for Extension

The Cleveland Municipal School District requests that the deadline for completion of Funding Request Number 422674 be extended through May 31, 2002 due to the reasons cited above.

Signed:



Mark J. Hogan
Interim Executive Director
Management Information Services



Date

Exhibit B

Cleveland Municipal School District

★ Educating
Cleveland's
Children

Mark J. Hogan
Interim Executive Director
Management Information Services

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Barbara Byrd-Bennett
Chief Executive Officer

TO: Federal Communications Commission

Myrna Elliott-Lewis, Ed.D.
Chief Academic Officer

RE: Modification of Implementation Schedule for Non-Recurring Services (FCC Report and Order CC Docket No. 96-45, Adopted June 27, 2001, Paragraphs 8,10, 12, 13.

Erbert Johnson
Chief Financial Officer

In the matter of:

Lisa Marie Ruda
Chief of Staff

Extending deadline for:

FRN# 423038

Category: Internal Connections

Vendor: Wireless Information Networks, Inc.

William W. Wendling
Chief Communications Officer

Requesting extension until: June 30, 2002

Description of service:

Wireless Information Networks, Inc. installed three (3) full-roaming wireless local area networks (LAN) at three Cleveland Municipal School District ("District") sites. The wireless LAN installations were completed on June 29, 2001.

However, the wireless network connectivity is incomplete due to the lack of laptop computers, which will rest on a motorized cart when not in use. The District never requested any funding nor was any funding granted for both the motorized cart and laptops for the cart.

However, the service that configures the laptops to the motorized cart is included in the vendor contract funded by eRate monies. The laptop configuration to the motorized cart service is incomplete.

Explanation for delay of service implementation:

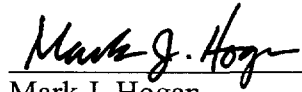
The vendor, Wireless Information Networks, Inc., has been unable to complete the laptop configurations for the laptops to the motorized cart for the wireless LAN installations for reasons beyond the control of the service provider. The District has not secured the necessary laptops for the three wireless LAN installations, thereby delaying the

completion of the contracted service. The respective District department is currently exploring avenues and potential resources to secure the necessary laptops.

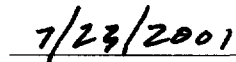
Request for Extension

The Cleveland Municipal School District requests that the deadline for completion of Funding Request Number 423038 be extended through June 30, 2002 due to the reasons cited above.

Signed:

A handwritten signature in black ink, appearing to read "Mark J. Hogan", is written over a horizontal line.

Mark J. Hogan
Interim Executive Director
Management Information Services

A handwritten date "7/23/2001" in black ink is written over a horizontal line.

Date